

REMARKS

Claims 1-36 are pending in the present application.

The Office Action rejected claims 1, 14-15, 29-30, and 34-35 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,754,634 to Kay et al. ("Kay") in view of U.S. Patent No. 6,058,170 to Jagadish et al. ("Jagadish '170") and U.S. Patent No. 6,125,173 to Jagadish et al. ("Jagadish '173") and further in view of U.S. Pub. No. 2003/0045266 for Staskal et al. ("Staskal").

Applicant traverses these rejections, because the proposed combination of Kay, Jagadish '170, Jagadish '173, and Staskal is inoperable for its intended purpose and, thus, teaches away from the claimed subject matter.

Claim 1 recites, *inter alia*, "the usage pattern providing historical information concerning the customer's use of the telecommunications system". The Office Action mistakenly cites Kay for teaching this element, because Kay teaches tracking and reporting incoming calls. (Kay, title, abstract). Kay is directed to the problem of advertising subscribers who want data on incoming calls to see if their advertising is effective. (Kay, col. 1, line 66 to col. 2, line 34). By contrast, according to exemplary embodiments, the problem of customers who want to compare a usage pattern with a predetermined billing plan to avoid charges for overuse is addressed. This problem is addressed, according to exemplary embodiments, by comparing historical information of a usage pattern with a predetermined billing plan.

For example, claim 1 recites, *inter alia*, "causing the historical information of the usage pattern to be compared with a predetermined billing plan; and displaying unused minutes remaining in the predetermined billing plan on the computer device to control the use of the telecommunications system based on the unused minutes". Thus, exemplary embodiments are concerned with billable outgoing calls, not the unbillable

incoming calls as described in Kay. Kay is not concerned with the claimed usage pattern providing historical information concerning a usage pattern, but rather marketing data about incoming calls. Thus, Kay teaches away from what is claimed.

In addition, Jagadish '170 and Jagadish '173 do not process data about unbillable incoming calls, only billable outgoing calls. Also, Staskal does not provide any alerts about unbillable incoming calls, only billable outgoing calls. Consequently, the proposed combination is inoperative, because of the disconnect between data about unbillable incoming calls versus billable outgoing calls. Therefore, claim 1 is patentable over the proposed combination of Kay, Jagadish '170, Jagadish '173, and Staskal.

For at least the same reasons, independent claims 14, 15, 29, 30, 34 and 35 are patentable over the proposed combination of Kay, Jagadish '170, Jagadish '173, and Staskal. Claims 2-13 and 36 depend from claim 1 and, thus, inherit at least the patentable subject matter of claim 1. Claims 16-28 depend from claim 15 and, thus, inherit at least the patentable subject matter of claim 15. Claims 31-33 depend from claim 30 and, thus, inherit at least the patentable subject matter of claim 30. Therefore, claims 1-36 are patentable over the proposed combination of Kay, Jagadish '170, Jagadish '173, and Staskal.

The Office Action objected to claim 36 as being dependent upon a rejected base claim and indicated it would be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims.

Applicants respectfully submit that claim 36 is patentable for the reasons given above without being rewritten in independent form.

In view of the foregoing remarks and amendments, Applicant submits that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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